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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,240	10/15/2003	Christopher J. C. Burges	MS1-1674US	7597
22801 7590 01/08/2010 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER THOMAS, JASON M				
ART UNIT 2423		PAPER NUMBER		
NOTIFICATION DATE 01/08/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/686,240

Applicant(s)

BURGES ET AL.

Examiner

Jason Thomas

Art Unit

2423

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 7-12 and 21-27 is/are allowed.
- 6) ☒ Claim(s) 13, 15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see pp. 10-13, filed October 13, 2009, with respect to claims 1-3, 7-12 and 21-27 have been fully considered and are persuasive. The rejection of claims 1-3, 7-12 and 21-27 have been withdrawn.
2. Applicant's arguments filed October, 13, 2009, with respect to claims 13, 15 and 16 have been fully considered but they are not persuasive.

Applicant argues that "Maybury fails to teach and suggest determining the most-popular media objects via media objects having higher frequency and a shorter or longer length relative to one another" (pg. 16) because "simply using frequency to determine how common content is does not teach and suggest using both frequency and 'shorter or longer [of the media object] relative to one another" (Ibid.). Examiner disagrees.

While the Examiner can appreciate the intended claim interpretation as suggested by Applicant, the claim as recited does not direct the Examiner to include the length of the media object as a factor required used to determine the most-popular media objects but is rather a characteristic which the resultant media objects comprise after conducting a search. Viewing the prior art of record in combination it can be seen that Maybury teaches searching for the most-popular media objects (see [col. 16, ll. 48-57], [col. 6, ll. 53-2] where popular objects can comprise media objects having a higher frequency of repeat instances relative to one another) while Snook teaches where it is well known for a number of media objects to comprise of

longer or shorter lengths relative to one another (see [col. 4, ll. 36-56], [col. 6, ll. 13-21] which reads on determining a longest or shortest version of the media object).

Allowable Subject Matter

3. Claims 1-3, 7-12 and 21-27 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

Prior art of record fails to teach or suggest the process of inferring information from "repeat instances of media objects", wherein "object", which is best defined by application 10/428812 (incorporated by reference), is defined as "any section of non-negligible duration, i.e. a song, video, advertisement, jingle, etc., which would be considered to be a logical unit by a human listener or viewer" (see [abstract]), wherein the inferring comprises comparing temporal lengths of repeat instances of the media object with one another to determine different versions of the media object. Thus the claimed invention when taken as a whole, specifically reciting "inferring the information from repeat instances of media objects occurring within one or more media streams; and... wherein the inferring comprises comparing temporal lengths of repeat instances of the media object with one another to determine different versions of the media object..." overcomes the prior art of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 13, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foote et al., U.S. Pat. No. 6,774,917 B1 (hereinafter Foote), in view of Cobbley et al., U.S. Pat. No. 5,818,510 (hereinafter Cobbley), Snook, U.S. Pat. No. 6,400,378 B1 (hereinafter Snook) and Maybury et al., U.S. Pat. No. 6,961,654 B1 (hereinafter Maybury).

Regarding claim 13: Foote discloses a system including an executable means for interactive similarity searching, retrieval and browsing (see [col. 6, ll. 28-67] for a system which executes similarity searching) comprising: receiving a request for information regarding a media object (see [col. 2, ll. 25-42], [col. 20, ll. 18-28] for submitting a query); inferring the information from repeat instances of media objects occurring within one or more media streams (see [col. 20, ll. 18-60], [col. 21, ll. 9-22] for identifying similar instances of media properties using both image frame analysis and annotations, which read on objects, where similarity is based on a segment similarity score and said annotations, and where the ability to search multiple videos reads on inferring from one or more media streams); and returning the information (see [figs. 32, 33 and 34] for returning the search results) but while Foote teaches using annotations within the media as an additional means to assist in searching for repeat instances (see [col. 20, ll. 29-43] where annotation are linked to the video segments) and also determining different versions of repeating instances (see [col. 3, ll. 18-36], [col. 16, ll. 7-16] for multiple segments which are similar), Foote does

not clearly define how annotations are used or teach presenting the media objects by comparing temporal lengths of the plural instances of the search results such that the different versions of the media object are selected from the group comprising: a longest version of the media object; a number of longer versions of the media object; a shortest version of the media object; and a number of shorter versions of the media object; nor does Foote teach wherein the inferring further comprises determining a number of related media objects, wherein: (i) the related media objects are determined based on temporal proximities of media objects relative to the media object associated with the request, and (ii) the related media objects have a higher frequency of repeat instances relative to one another.

Cobbley teaches a system which also segments media where the media also include keywords, which read on annotations, which are used to describe the media segment to assist in indexing and searching (see [cols. 3-4, ll. 65-12], [col. 4, ll. 43-50], [cols. 5-6, ll. 56-3], [col.8, ll. 4-16]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the way in which text information is used by relying also on pre-embedded text information describing the video stream, as taught by Cobbley in order to provide assistance in identifying repeat instances of the media objects.

Snook teaches a method of presenting media clips to a user by duration such that the clips can be displayed by duration from shortest to longest and in ascending or descending order (see [col. 4, ll. 36-56], [col. 6, ll. 13-21] which reads on determining a longest or shortest version of the media object). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify the way in which the search results are presented to the user by allowing the media segments (clips) to be sorted by duration, as taught by Snook, in order to provide the user with a simplified and effective way of reviewing the search results.

Snook does not teach wherein the inferring further comprises determining a number of related media objects, wherein: (i) the related media objects are determined based on temporal proximities of media objects relative to the media object associated with the request, and (ii) the related media objects have a higher frequency of repeat instances relative to one another.

Maybury teaches determining related media objects based on temporal proximities associated with media object in question and based on media objects having a higher frequency relative to another (see [figs. 3, 4, 9], [col. 4, ll. 14-25], [cols. 6-7, ll. 53-2], [col. 17, ll. 45-60] for tracing the temporal proximity of occurrence of the associated news story segment and also analyzing the frequency of occurrence or words, images, or sounds an indicative of the most common or most important content). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the searching means by enabling additional searching methodologies such as basing the search on a temporal proximity or object frequency as taught by Maybury in order to provide additional means of specifying the search interest of the requesting user.

While these references do not explicitly teach a first, second or third request for media it is the combined teachings of the aforementioned prior art teach interfaces which are used conducting a search (see Maybury [figs. 32, 33], [col. 20, ll. 18-28]; see also Maybury [figs. 14-19, 21, 22] for an interface which provides a means for indicating a type of search a user should choose to input; see also [fig. 14, 18], [cols. 6-7, ll. 53-2] for the ability to identify the most common, which reads on a most popular media object), in addition, the ability present, which reads on rendering, the searched repeated and related media segments is also taught in the aforementioned prior art (see Foote [col. 3, 47-60]; see also Maybury [col. 5, ll. 10-20] for interfaces which allow the search results to be presented to the user).

Regarding claim 15: The combined teachings of the aforementioned prior art, teach comprising further processor-executable instructions configured for rendering a media stream that includes the media object (see Foote [col. 3, 47-60]; see also Maybury [col. 5, ll. 10-20] for interfaces which allow the search results to be presented to the user, which reads on rendering).

Regarding claim 16: The combined teachings of the aforementioned prior art, teach a client computer comprising the processor-readable medium as recited in claim 13 (see Maybury [col. 5, ll. 32-45] for using a client computer for said system).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Thomas whose telephone number is (571) 270-5080. The examiner can normally be reached on Mon. - Thurs., 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

J. Thomas

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2423